

IN THE CIRCUIT COURT OF WETZEL COUNTY, WEST VIRGINIA  
BUSINESS COURT DIVISION

MARKWEST LIBERTY MIDSTREAM  
& RESOURCES, L.L.C.,  
*Plaintiff,*

v.

CIVIL ACTION NO. 16-C-82  
JUDGE H. CHARLES CARL, III

J.F. ALLEN COMPANY;  
AMEC FOSTER WHEELER  
ENVIRONMENT & INFRASTRUCTURE, INC.; and  
REDSTONE INTERNATIONAL, INC.;  
*Defendants<sup>1</sup>,*

**BENCH TRIAL ORDER**  
**DAY FOURTEEN: OCTOBER 8, 2020**

1. On the 8th day of October, 2020, this matter came on before the Court for a bench trial. By prior agreement of the parties, the Court conducted the bench trial in Hampshire County, West Virginia. The Plaintiff was present by its counsel Kevin L. Colosimo, Joseph M. Ward, and Jonathan G. Brill, and its in-house counsel Natalie Lien. Defendant J.F. Allen Company was present by its counsel Douglas C. LaSota and Nicole L. Carnevale and by its President, Greg Hadjis. Defendant Amec Foster Wheeler Environment & Infrastructure, Inc. was present by its counsel Vic L. McConnell and by its Lead Engineer Chris Ramsey. Defendant Redstone International, Inc. was present by its counsel Bruce E. Stanley and Michael A. Jacks, and by its President, Heath Kefover.

2. The Court inquired as to whether counsel had any objections to the Day Order from yesterday. Counsel had no objections and the Court then entered the Order.

3. Prior to starting testimony, Mr. Colosimo marked Dr. Bruce's *Affidavit*, used in yesterday's testimony, as **MarkWest Exhibit 286**.

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<sup>1</sup> The remaining Defendants were dismissed, by agreement of the parties, prior to the bench trial.

4. Thereafter, Mr. Jacks called Terry Cunningham to the stand and he was duly sworn and subject to direct examination.

5. Thereafter, Mr. Cunningham was subject to cross examination by Mr. McConnell and Mr. LaSota.

6. Thereafter, Mr. Cunningham was subject to re-direct examination by Mr. Jacks and re-cross examination by Mr. LaSota.

7. Thereafter, Mr. Stanley called Charles E. Bolyard, Jr. to the stand and he was duly sworn and subject to direct examination. Following qualification questions, the Court recognized Mr. Bolyard as an Expert in CPM Scheduling, Schedule Delay and Impact Analysis, Cost Estimating Claims, and Damage Costs and Impact Analysis, without objection.

8. Thereafter, the Court recessed for a brief break.

9. After the break, Mr. Bolyard primarily presented narrative testimony, pursuant to agreement of counsel, with some questioning by Mr. Stanley.

10. During the direct examination of Mr. Bolyard, the Court recessed for a lunch break. After the lunch break, the testimony of Mr. Bolyard resumed.

11. Thereafter, Mr. Bolyard was subject to cross examination by Mr. McConnell.

12. Thereafter, the Court recessed for a brief break.

13. After the break, Mr. Bolyard was subject to cross examination by Mr. LaSota.

14. Thereafter, the Court recessed for a brief break. Mr. LaSota advised he has a significant amount of questions remaining to ask on cross examination, and suggested that Mr. Ward proceed with his cross examination in order to give Mr. LaSota an opportunity to review his remaining questions and attempt to pare them down.

15. After the break, Mr. Bolyard was subject to cross examination by Mr. Ward.

16. At 5:09 p.m. the proceedings adjourned for the day. The Court and counsel agreed to start testimony at 8:30 a.m. tomorrow.

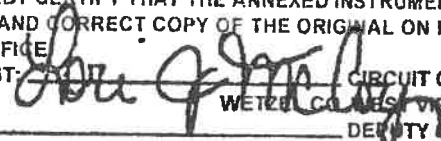
It is **ORDERED**:

- ❖ The Circuit Clerk shall send this Order to all counsel of record.
- ❖ The Court notes the objections and exception of the parties to any adverse findings or rulings herein.

ENTERED this 9 day of October, 2020.

  
H. CHARLES CARL, III, JUDGE  
BUSINESS COURT DIVISION



REBY CERTIFY THAT THE ANNEXED INSTRUMENT IS A  
TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN  
MY OFFICE  
ATTEST:  CIRCUIT CLERK  
WETZEL CO. WEST VIRGINIA  
BY: \_\_\_\_\_ DEPUTY CLERK